

REMARKS

Claims 1, 4, 7, 8, 11 and 16 are amended and Claims 3 and 13 are cancelled. Claims 1, 2, 4-12 and 14-20, as amended, remain in the application. No new matter is added by the amendments to the claims.

The Rejections:

In the Final Office Action dated December 2, 2005, the Examiner rejected Claims 1 and 11 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 6,698,442 in view of Gauthier. The Examiner stated that the '442 patent discloses all of the recited structure with the exception of using a plurality of fasteners to hold the second conduit in the main conduit. The patent to Gauthier discloses the recited system for holding a smaller inner secondary conduit 6 within a larger diameter outer conduit 7, where a plurality of fasteners formed of arcuate shape to hold the inner conduit along the wall of the outer conduit are provided by hoops such as 50a which can be formed of plastic material, where the conduit 6 is held against the interior of the conduit 7 as seen in figure 6. According to the Examiner, it would have been obvious to one skilled in the art to modify the '442 patent by providing a plurality of fasteners to hold the secondary pipe to the wall as suggested by Gauthier as such would prevent unwanted motion of the secondary pipe and would therefore save money by preventing failure of the secondary pipe due to rubbing or movement.

The Examiner rejected Claims 1, 5, 6, 9, 11, 14, 15, and 17 under 35 U.S.C. 103(a) as being unpatentable over Fair in view of Gauthier. The Examiner stated that Fair discloses all of the recited structure with the exception of providing a plurality of fasteners attached to the outer conduit filling gaps between the fasteners, forming the fasteners of plastic, and where the fasteners are arcuate to hold an inner conduit and contact the outer conduit. The Examiner stated that Gauthier discloses the recited system for holding a smaller inner secondary conduit 6 within a larger diameter outer conduit 7, where a plurality of fasteners formed of arcuate shape to hold the inner conduit along the wall of the outer conduit are provided by hoops such as 50a which can be formed of plastic material, where it is considered that without any recitation in the claims rejected above of how the fasteners are attached, the spring force is considered a manner of

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attachment meeting the claim language of the claims above, where such hold the secondary conduit against the outer conduit. It would have been obvious to one skilled in the art to modify the generic fasteners mentioned in Fair by substituting therefore, a plurality of arcuate plastic fasteners to hold the inner conduit against the outer conduit as suggested by Gauthier where such is an equivalent type of fastener used to suspend secondary conduits to the interior of larger pipes where such would insure the secondary pipe stay attached and would be attachable to various types of outer pipes thereby reducing costs in repair, and such would prevent material from getting between the inner and outer pipe.

The Examiner rejected Claims 2, 10, and 12 under 35 U.S.C. 103(a) as being unpatentable over Fair in view of Gauthier, and further in view of Finzel. The Examiner stated that Fair as modified discloses all of the recited structure with the exception of stating what material the second pipe is made of, and providing a liner inside the pipe trapping the second pipe between the liner and the outer pipe. The patent to Finzel discloses the recited sanitizing pipe system for waste water comprising an outer pipe AR, a second pipe LR, a system of supports AH that in combination with a liner ILI trap and hold the second conduit inside of the outer pipe, where Finzel states the casings which inherently would include the extra second pipe above, are made of HDPE. According to the Examiner, it would have been obvious to one skilled in the art to modify the second pipe of Fair as modified to be formed of any material where it is known in the art to form secondary pipes of HDPE, and to provide a liner as suggested by Finzel where such would provide a smoother bore for the inner pipe, and would still allow for the secondary pipe, which would increase flow and thereby make the pipe more efficient, and forming the second pipe of a plastic material would allow such to last longer thereby saving money where plastics are known to be less likely to degrade over time.

The Examiner stated that Claims 18-20 are allowed.

The Examiner stated that Claims 3, 4, 7, 8, 13, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Response:

Applicant amended Claim 1 to include the subject matter of cancelled Claim 3 and amended Claims 4, 7 and 8 accordingly.

Applicant amended Claim 11 to include the subject matter of cancelled Claim 13 and amended Claim 16 accordingly.

The Examiner stated that the prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The Examiner cited as disclosing state of the art pipes in pipes which are held in by various different articles: the U.S. Patent Publication No. 2004/0146362 of Penza; the U.S. Patent No. 2,151,206 issued to Hawthorn; the U.S. Patent No. 3,525,685 issued to Edwards; and the U.S. Patent No. 4,440,154 issued to Bellows. Applicant reviewed these references and found them to be no more pertinent than the prior art relied upon by the Examiner in his rejections.

In view of the amendments to the claims, Applicant believes that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.

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